

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

v.

ANTWAN MITCHEM,

Defendant.

8:13CR393

ORDER

This matter is before the court on its own motion. Pursuant to General Order No. 2014-09, *In The Matter Of Cases Assigned To Chief Judge Laurie Smith Camp, Judge Joseph F. Bataillon, Judge John M. Gerrard, And Judge Lyle E. Strom Involving A Potential Reduction In Sentence Pursuant To Amendment 782* (Oct. 2, 2014), the Federal Public Defender or one of his delegates under the Criminal Justice Act was appointed to represent the defendant as a person within the ambit of the General Order. Filing No. 46. Amendment 782 (sometimes called the “drugs minus two” or the “2014 drug guidelines amendment”) reduces offense levels assigned in the Drug Quantity Table by two levels, resulting in lower guideline ranges for many drug trafficking offenses. See Federal Register Notice of Final Action Regarding Amendment to Policy Statement §1B1.10, Effective November 1, 2014, 79 Fed. Reg. 25996 (May 6, 2014); available at www.ussc.gov/amendment-process/federal-register-notices. The proposed amendment went into effect on November 1, 2014. *Id.* The Sentencing Commission has given retroactive effect to the amendment. *Id.* at 1.

The defendant was sentenced on July 2, 2014 to a prison term of 60 months for possession with intent to distribute crack cocaine in violation of 21 U.S.C. § 841(a)(1)

and 21 U.S.C. § 841(b)(1). [Filing No. 42](#), Judgment. The record shows the defendant's guideline calculation reflects the two point reduction in the drug base offense level proposed by the Sentencing Commission and consistent with the Attorney General's direction concerning such motions. [Filing No. 43](#), Statement of Reasons (Sealed) at 3. Accordingly, defendant Antwan Mitchem has received the benefit of the reduced guideline range and no further benefit is available.

IT IS SO ORDERED.

DATED this 4th day of May, 2015

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge